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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Hoon Suhmoon

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12/14/2006

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EXAMINER

ABDI, KAMBIZ

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,961

Applicant(s)

SUHMOON, HOON

Examiner

Kambiz Abdi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,11,13-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,11,13-16 and 18 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.

- Claim 7 is amended.
- Claims 1-6, 8-10 and 12 have been canceled.
- Claims 11, and 14 are withdrawn.
- New claims 15-18 are added.
- Claims 7, 13 and 15-18 have been considered.

2. The rejections under 35 U.S.C § 101 has been withdrawn based on the cancellation of the claims by the applicant.

Response to Arguments

3. Applicant's arguments filed October 4, 2006 have been fully considered but they are not persuasive for the following reasons:

4. In response to applicant argument regarding rejection of Claims 7 under 35 U.S.C. § 102 as being anticipated by Takatsu.

5. The examiner believes that the argument that the applicant has put forward on regards to claim 7 is not persuasive to over come the prior art of record. The reasoning behind the argument by the applicant is that Takatsu does not specifically disclose the step of moving electronic data from one table cell to another table cell. It should be noted that the way the applicant has described the step is that of a physical move of data, which is not possible in the electronic domain of databases. Data is moved from one area to another by deleting one and adding one. As you would cut and past in cell tables of a database. Furthermore, the step that applicant is referring to "if a first user, who has the issued cyber payment means, ... the cyber payment means being moved from the first user to the second user inside of the database" is conditional based on the "if a first user," makes a payment, therefore *if* there is no payment made by the first user there is no need of *moving* of data in a database. As per argument of the

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applicant on the anonymity of the generation of an electronic note there is nothing in the claims that would preclude such anonymity as it has been argued. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., installation or lack of such installation of software) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Objections

6. Claims 7, 13 and 15-18 are objected to as containing the phrase "cyber space..." and "cyber payment..." It is not clear as what the applicant specific meaning of the word "cyber" is. One skilled in the art would consider the word as being electronic or digital. There is no specific physical definition as to describe a "cyber space" It is used in the art as to describe the internet and the World Wide Web as "cyber space" Further more what transpire on the Internet or WWW are electronic and digital transactions being monitored or otherwise. Examiner would like to suggest to the applicant to change all the cyber and cyber space phrase with electronic for clarity of the claims.
7. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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9. Claims 7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,963,843 to Yuichi Takatsu.

10. As per claims 1 and 7, Takatsu clearly teaches method and system for issuing cyber payment mean marked with business identification information and processing transactions with the cyber payment means on a computer network, the method comprising the steps of:

(a) a server computer on the computer network, receiving information including business identification information and a number of a current account from a user and storing the information by user in a database managed by the server computer (See Takatsu figures 2-7 and associated text and column 2, line 30- coulmn9, line 28, column 12, lines 14-68);

(b) at the request of a user accessing the server computer, issuing a cyber payment means marked with at least a unique number of the cyber payment means, a business identifier of the corresponding user, and an amount of money, and storing the issued cyber payment means by user in the database (See Takatsu figures 2-7 and associated text and column 2, line 30- coulmn9, line 28, column 12, lines 14-68, column 13, line 17- column 15, line 5); and

(c) if a first user, who has the issued cyber payment means, performs payment to a second user, using the cyber payment means when the first user is connected to the server, the cyber payment means being moved from the first user to the second user inside of the database (See Takatsu figures 2-7 and associated text and column 2, line 30- coulmn9, line 28, column 12, lines 14-68, column 13, line 17- column 15, line 5, and column 15, lines 37-51).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,963,843 to Yuichi Takatsu.

13. As per claims 13, Takatsu clearly teaches method and system of claim 7, though Takatsu is not specific or explicit that the electronic money could be an electronic check, However, it is clearly within one skill in the arts knowledge as well as ordinary practice in the financial environment to know that a payment in virtual environment or real physical world can be made by credit cards, money order, checks and many other instruments. To support this it can be clearly evidenced by teachings of the "Electronic Payment Systems" and "Understanding Electronic Commerce". Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to use many varieties of payment instruments to make it easier for the payer to make payments to others that having different and diverse payment receivables and it makes conducting business more diversified as the number of parties increase in the provider side.

Further, Takatsu teaches that the amount of money is within a withdrawal limit of the current account of the corresponding user (See Takatsu column 14, lines 48-52).

14. As per claims 15-16 and 18, Takatsu clearly teaches method of claim 7, wherein the step (c) includes one or more of the steps:

(c 11) receiving input of a cyber check to be divided from the first user (See Takatsu figures 2-7 and associated text and column 2, line 30- column 9, line 28, column 12, lines 14-68, column 16, line 48- column 19, line 55 and column 21, lines 40-52);

(c 12) receiving input of the business identifier of a second user to be paid with a cyber check resulting from the division of the cyber check input in step (c 11), and the amount of money of the cyber check resulting from the division (See Takatsu figures 2-7 and associated text and column 2, line 30-

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coulmn9, line 28, column 12, lines 14-68, column 16, line 48-column 19, line 55 and column 21, lines 40-52);

(c13) issuing a cyber check resulting from the division of the cyber check input in step (c 11) with a newly assigned check number, corresponding to business identifier and divided money input in the step (c 12) (See Takatsu figures 2-7 and associated text and column 2, line 30- coulmn9, line 28, column 12, lines 14-68, column 16, line 48-column 19, line 55 and column 21, lines 40-52); and

(c14) receiving a request from the first user for payment to be performed using the divided cyber check issued in the step (c 13) (See Takatsu figures 2-7 and associated text and column 2, line 30- coulmn9, line 28, column 12, lines 14-68, column 16, line 48-column 19, line 55 and column 21, lines 40-52).

(c21) receiving input of cyber checks to be combined from the first user (See Takatsu figures 2-7 and associated text and column 2, line 30- coulmn9, line 28, column 12, lines 14-68, column 13, line 17- column 15, line 5, and column 15, lines 37-51);

(c22) receiving input of business identifier of a second user to be paid with the combined cyber check after combination, from the first user (See Takatsu figures 2-7 and associated text and column 2, line 30- coulmn9, line 28, column 12, lines 14-68, column 13, line 17- column 15, line 5, and column 15, lines 37-51);

(c23) issuing a combined cyber check marked with the sum of money of cyber checks to be combined, business identifier of the second user to be paid, and a newly assigned check number (See Takatsu figures 2-7 and associated text and column 2, line 30- coulmn9, line 28, column 12, lines 14-68, column 13, line 17- column 15, line 5, and column 15, lines 37-51); and

(c24) receiving a request from the first user for payment to be performed using the combined cyber check issued in the step (c23) (See Takatsu figures 2-7 and associated text and column 2, line 30- coulmn9, line 28, column 12, lines 14-68, column 13, line 17- column 15, line 5, and column 15, lines 37-51).

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15. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to **Kambiz Abdi** whose telephone number is **(571) 272-6702**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Andrew Fischer** can be reached at **(571) 272-6779**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from

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either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see;

<http://portal.uspto.gov/external/portal/pair>

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

(571) 273-8300 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6702 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the

Knox Building, 50 Dulany St. Alexandria, VA.

Kambiz Abdi
Primary Examiner
AU 3621

KAMBIZ ABDI
PRIMARY EXAMINER

December 7, 2006